O. F. 71 & 72—658,414—21-11-29.

O.F. 71 & 72.

19

Department of Lands

OFFICE of the Board

STATION Brisbane

M1 (alteration)

A4058/1

Land

M.L. No. 3510

3510/1

Dated 21/12/33

To whom sent	Date	Initial
	Given for copying	
	Copied	
	Examined	
	Signed	
	Given for despatch	
	Despatched	
	Indexed	
Pages in the file	To be destroyed on*	

(SUBJECT.)

Smith - (Bellamy) — Hospital Reserve

Of no 353/33 — Angur Vge —

Interest Property of Matador Coy

Smith Reg Mortgagor - Defence - Sum

* Not to be filled in in the case of permanent records.

C.F. 32 ..... DEPARTMENT.

In reply, please quote number, date and short title.

Received ..... *Registered* .....

A-4880

From (Name) F.W. Stewart Esqr. C.I.E., I.C.S.,

(Designation) Collector of

Post Box ..... (Station) B e l l a r y.

Telegraphic Address .....

To The Secretary to the Commissioners,

Land Revenue & Settlement,

M a d r a s.

R.C. *No.* 4633/33-A1 *dated* 17th Dec. 19 33.

Sir

Suit - Hospet District Munsiff's Court - O.S.353/33 - Plaintiff Raniji Bhumaji.

Enclosures .....

3

Spare Copies 1

One Ranuji Bhumaji has filed a suit against Government for the recovery of a mortgage amount due to him by Matada Veerayya of Angur village of Hadagalli Taluk, who died about 10 months ago intestate and issuless. I enclose a copy of the plaint duly translated. The deceased has left only the immoveable property mentioned in the plaint and it is secured by the plaintiff for the amount of debt due to him.

The State's claim has not been ~~averted~~ assured to the said property as it is not worth the liabilities of the deceased. I enclose a copy of my D.Dis.1733/33 dated 8-11-33 which was also communicated to the plaintiff's pleader. He is at liberty to realise the dues from the secured property but not from the Government. The suit has therefore to be defended as the costs thereof have to be decreed to Government. I therefore enclose for the Board's sanction a draft written statement, which is to be filed in the Court on 4-1-34.

Copies of the summons and the plaint, which were sent to the Government Pleader on 21-9-33 were mislaid and he was asked to obtain a certified copy from the Court and send. I received a copy of the plaint on 3-12-33 from the Government Pleader after the issue of a telegram.

2

It may not be possible to get the Board's sanction in time on account of the ensuing X'mas holidays. I am also sending to the Government Pleader Hospet a written statement to be filed in the Court on 4-1-34 with instructions to represent to the Court that it is subject to the approval of the Board and that it may be necessary to file a supplementary answers under B.S.O. 95-5 (iii).

18-12-33

K.K.R. 18-12-33. For Collector.

18/12

C.F. 34.

3

PROCEEDINGS
MEMORANDUM OF THE Collector of Bellary.

*Post Box No.*_____ *Telegraphic Address*_____

Name F.W. Stewart Esqr. C.I.E., I.C.S.,

D.Dis. C. *No.* 1733/33 *dated* 8th November *1933*.

Short title Escheat - Hadagalli Taluk - Angur village - Matada Veerayya died intestate orders passed.

READ—the following:—

Hospet Sub Collector's L.Dis.C.No.2724/33 dated 2nd August 1933.

Notice of suit by Mr. T.S. Krishna Rao B.A., Pleader, Hospet.

Order.

Matada Veerayya of Angur village, Hadagalli Taluk died intestate and issuless. The value of the intestate property is far less than the amount of debt ~~accrued~~ seemed on it. The state's claim will not be asserted.

(By Order)

Sd/- A. parthasarathi.

Eng. Head clerk.

To the Dy. Tahsildar, Hadagalli.
Copy to the Rev. Divl. Officer, Hospet.
,, to Mr. T. Krishna Rao, Pleader, Hospet.
,, A-1.

(True Copy)

For Collector.

18/12

5

Translation of the Plaint in O.S.353/33 of the District Munsiff's Court, Hospet.

---

(1) Plaintiff:-- Marwadi Sait Ramji Bhumaji , Makarabbi village, Hadagalli Taluk, Merchant.

(2) Defendant:-- Secretary of State for India represented by the Collector of Bellary.

(3) The plaintiff is the mortgagee of the properties named below:-

Particulars of mortgage:--

(a) Date of mortgage:- 18-4-28.

(b) Name of mortgager:-- Matada Veerayya, Angur.

(c) Mortgage amount:-- Rs.300/-

(d) Rate of interest:-- 1 annas per Rs.4/-

(e) Property secured:--

	S.No.	A.	C.	Taram.
(1)	172A	4	17	2 6 0
(2)	173H	0	29	0 3 0
(3)	189	8	58	4 13 0
(4)	190	2	53	1 7 0
(5)	191	4	32	2 7 0
(6)	House-- 5 ankanams facing to the east. East.- Rasta - Backyard of late Veerayya. North.- Rasta leading to Bagayya's Matam.			

The plaintiff has excused the interest from the date of domument till this date.

(f) Total arrears due Rs.300/-.

(g) Claim of the plaintiff:--

(1) having possessed a written mortgage ~~deed~~ deed.

(2) The executor of the deed in suit died about 6 months ago. He has no legal heirs or survivors.

The Government are the successors of the intestate property under escheat. Notice was issued to the Collector on 11-4-33 under Sec. 80 C.P.C.

Enclosed ~~are~~ are the postal acknowledgment and a copy of the notice. No reply has yet been received from the Collector.

(5) Amount of Rs.300/- is claimed for the sake of Court fees and Court's jurisdiction.

(6) The amount has not been paid to the plaintiff by the defendant though claimed on many a time. Cause of action arose on 18-4-28 at Angur village.

(7) Plaintiff's prayer:--

(1) That the defendant should be made to pay the amount

suit, court costs and the interest that may fall due hereafter till the date of court's order. Failing which the secured property should be sold in auction.

(2) Decree may be passed to proceed against the defendant in person failing the recovery of the full amount from the said sale of the secured properties.

x x x x

For Collector.

K.K.R.18-12-333.

In the Court of the District Munsif of Hospet.

O.S. No.353 of 1933.

B e t w e e n:--

Raniji Bhumaji ... Plaintiff.

a n d

Secretary of State for India in Council represented by the Collector of Bellary ... Defendant..

Written statement on behalf of defendant under Order 8 Rule 1 C.P.C.

This defendant has no knowledge of the allegations in paras 3 and 4 of the plaint.

The allegation in plaint para 4 (g) is not true. This defendant has never laid any claim to the property in question. This defendant has duly intimated to plaintiff's pleader that this defendant makes no claim whatever to the deceased mortgagor's properties. No question of escheat arises in the circumstances.

The allegations in para 6 are not true.

This defendant is not in possession of the property under mortgage.

This defendant is not at all a necessary party and this fact has been intimated to the plaintiff as early as 8-11-33.

The suit against this defendant may be dismissed with exemplary costs.

Sd/- F.W. Stewart.
17-12-33.
Collector.

(True copy)

18/11/33

for Collector

18/12

Suit 1/1/34

C.F. 16—24,90,350—30-10-30. (6)

DRAFT FOR APPROVAL.

Enclosures.

Despatch No.

When given to fair copying

Fair-copied by

Fair-copy compared by

When despatched

M, (after issue)

S

AS (GR)

Office. A 4580/33 pp 1-2 gQ

Register No. dated

From

Subject. Suit - (Bellary) — Hospet Dt Munsiff — OS no 353/33 — Angabhe — To ~~Intestate~~ ~~This~~ Intestate property of Matada Veerayya — Suit by Mortgagee Defence - Sanctioned.

Mis 3510 D 2.

The Board sanctions the defence of the suit, and approves the draft written statement

17 g

42 The Collector is requested to endorse the 20/12 Correct plaint para 1 in the Statement

To the Clk of Bellary.

21.12.33

21.12.33

S

Aw 21.12.33

M, (after issue)